

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original    () Supplemental    () Substitute    () PCT    () DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE THERAPY

of which is described and claimed in:

() the attached specification, or

(X) the specification in application Serial No. NEW, filed March 26, 2001, and with amendments through \_\_\_\_\_,

or

() the specification in International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and as amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:


COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	2000-287688	September 21, 2000	Yes

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; and Michael S. Huppert, Reg. No. 40,268, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from Iwatani Patent Office as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

Direct Correspondence to Customer No:   <b>000513</b> PATENT TRADEMARK OFFICE	Direct Telephone Calls to:  WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021  Phone:(202) 721-8200 Fax:(202) 721-8250
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Full Name of First Inventor	FAMILY NAME <b>FUJIMORI</b>	FIRST GIVEN NAME <b>Minoru</b>	SECOND GIVEN NAME
Residence & Citizenship	CITY <b>Matsumoto-shi</b>	STATE OR COUNTRY <b>Japan</b>	COUNTRY OF CITIZENSHIP <b>Japan</b>
Post Office Address	ADDRESS <b>c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan</b>	CITY	STATE OR COUNTRY      ZIP CODE

Full Name of Second Inventor	FAMILY NAME <b>TANIGUCHI</b>	FIRST GIVEN NAME <b>Shun'ichiro</b>	SECOND GIVEN NAME
Residence & Citizenship	CITY <b>Matsumoto-shi</b>	STATE OR COUNTRY <b>Japan</b>	COUNTRY OF CITIZENSHIP <b>Japan</b>
Post Office Address	ADDRESS <b>c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan</b>	CITY	STATE OR COUNTRY      ZIP CODE

Full Name of Third Inventor	FAMILY NAME <b>AMANO</b>	FIRST GIVEN NAME <b>Jun</b>	SECOND GIVEN NAME
Residence & Citizenship	CITY <b>Matsumoto-shi</b>	STATE OR COUNTRY <b>Japan</b>	COUNTRY OF CITIZENSHIP <b>Japan</b>
Post Office Address	ADDRESS <b>c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan</b>	CITY	STATE OR COUNTRY      ZIP CODE

Full Name of Fourth Inventor	FAMILY NAME <b>YAZAWA</b>	FIRST GIVEN NAME <b>Kazuyuki</b>	SECOND GIVEN NAME
Residence & Citizenship	CITY <b>Matsumoto-shi</b>	STATE OR COUNTRY <b>Japan</b>	COUNTRY OF CITIZENSHIP <b>Japan</b>
Post Office Address	ADDRESS <b>c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan</b>	CITY	STATE OR COUNTRY      ZIP CODE

Full Name of Fifth Inventor	FAMILY NAME <b>KANO</b>	FIRST GIVEN NAME <b>Yasunobu</b>	SECOND GIVEN NAME
Residence & Citizenship	CITY <b>Kyoto</b>	STATE OR COUNTRY <b>Japan</b>	COUNTRY OF CITIZENSHIP <b>Japan</b>

Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
	c/o Institute of Molecular and Cellular Biology for Pharmaceutical Sciences, Kyoto Pharmaceutical University, 1 Shichono-cho, Misasagi, Yamashina-ku, Kyoto 670-8414, Japan			
Full Name of Sixth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	NAKAMURA	Toshiyuki		
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
	Matsumoto-shi	Japan	Japan	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
	c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan			
Full Name of Seventh Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	SASAKI	Takayuki		
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
	Matsumoto-shi	Japan	Japan	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
	c/o Shinshu University School of Medicine, 3-1-1 Asahi, Matsumoto-shi, Nagano 390-8621, Japan			

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor *Minoru Fujimori* Date 4/23/01  
Minoru FUJIMORI

2nd Inventor *T. Taniguchi* Date April 23 '01  
Shun'ichiro TANIGUCHI

3rd Inventor *Jun Amano* Date April 23 '01  
Jun AMANO

4th Inventor *K. Yazawa* Date April 24 '01  
Kazuyuki YAZAWA

5th Inventor *Yasunobu Kano* Date April 26 '01  
Yasunobu KANO

6th Inventor *Toshiyuki Nakamura* Date April 23 '01  
Toshiyuki NAKAMURA

7th Inventor *Takayuki Sasaki* Date April 23 '01  
Takayuki SASAKI

The above application may be more particularly identified as follows:

U.S. Application Serial No. NEW Filing Date March 26, 2001

Applicant Reference Number DK04F318(US) Atty Docket No. 2001 0206A

Title of Invention ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE THERAPY